

S 2532

## CONGRESSIONAL RECORD — SENATE

March 1, 1976

legislators on the Commission, questioned James M. Stetler, a vice president of the American Express Company, and Kenneth Larken, a senior vice president of the Bank of America.

## ACCOMPANIED BY SUBPOENA

Mr. Stetler told the Commission which is operating under a Congressional mandate to look into actual or potential invasions of individual privacy, that American Express does require the Internal Revenue Service and other governmental agencies to produce a subpoena before agreeing to turn over a consumer's records.

The American Express official said requests from private lawyers also had to be accompanied by a subpoena, including those "involved in matrimonial problems."

"Have there been occasions when the Internal Revenue Service has gotten information from American Express without the company informing the account?" asked Mr. Koch.

The question was fielded by Gary Beller, an assistant general counsel for the company who accompanied Mr. Stetler.

"We don't have the practice of notifying the account," he told the Manhattan Democrat, and added "I guess the company has taken the position if notification is required, either the court would notify (the individual)," or the "regulations" would require the I.R.S. itself to provide notification.

"As an attorney you know that's not so," Mr. Koch rejoined.

"No, but there have been a number of cases where people have been informed, even though it's not required," Mr. Beller said.

He also said that American Express had "no fiduciary responsibility" to notify its clients when a subpoena was out. Mr. Koch suggested customers would not have time to move to quash a subpoena if they were not warned of its existence.

Mr. Beller also told the hearing which was held at 26 Federal Plaza, that he as "an attorney could see us getting involved in a lot of motions to quash" if American Express followed the same-policy as the Bank of America.

As explained to the commission by Kenneth Larken and Susan Hedemann, an associate general counsel, the Bank of America policy is to regularly notify both by telephone and in writing, a customer whose records are being sought by the I.R.S. or law enforcement agencies.

Miss Hedemann told the \* \* \* that two California court cases, one of them decided last December, made it mandatory for the bank and other financial institutions to notify customers if their records had been subpoenaed in civil cases.

## REASON FOR DIFFERENCE

State law aside, one major reason for the difference in policy between the two credit card companies may lie in the fact the Bank of America is a bank, whereas American Express is not.

The common law has long put the burden of confidentiality on bank records, but is not so clearly defined in the case of nonbank financial institutions such as American Express.

David F. Linowes, chairman of the Commission, said there had been thus far "no demonstration" of widespread abuses of confidential information in the credit card industry.

Other witnesses who testified yesterday included Dee W. Hock Jr., president of National BankAmericard Inc.; John Reynolds, president of the Interbank Card Association; and Jeremiah S. Gutman, an attorney for the American Civil Liberties Union.

Mr. Linowes said, however, that there was the "potential" for such abuse, and added that in his view "a lot of power was concentrated in very few hands."

The hearing is scheduled to resume today at 10 a.m.

[From the Washington Post, Feb. 13, 1976]  
BELL SYSTEM, ARCO GAVE CREDIT DATA  
(By Nancy L. Ross)

NEW YORK, February 12.—Telephone and gasoline credit card records are being turned over to the FBI without a court order or the customer's knowledge, a government investigation of privacy invasions was told today. It also learned of a credit bureau that sold information on its subjects back to them on the pretext of protecting them against unlimited access to their files.

On the second day of testimony before the Privacy Protection Study Commission, William Caming, an attorney for American Telephone & Telegraph Co., said the Bell System has tightened its dissemination of credit data in the past two years and no longer discloses unsubscriptions records—except in certain cases.

Under questioning by a commission member, Rep. Edward I. Koch (D-N.Y.), Caming said that a personal request from the FBI director, his assistant or a congressional committee conducting a formal investigation was sufficient for AT&T to produce records of long-distance calls, and in some cases the names of both parties involved in a collect call. This information also would be produced in cases of national security, Caming said.

Koch demanded to know why AT&T did not require everyone—including the FBI director—to obtain a court order and let a judge decide whether to give out data without telling the card-holder. Caming replied it might not be in society's best interest to do so because it might hinder law enforcement. He spoke of a delicate balance between "considerations for customers and considerations in crime, and said it was up to Congress—not AT&T—to decide to which side the scales should tip. Caming compared the magnitude of deciding on the toll-call information to deciding on wiretapping.

In virtually no situation is an FBI request revealed to the card-holder. Theoretically the company will tell the customer after 90 days, unless the FBI or other official investigator objects, but only if the customer asks who has been seeking information about him. In past practice, the customer almost never found out.

Koch won a promise from Caming to inform anyone who suspects that his past telephone records might have been requested by the government. The company also promised to furnish such information in the future, subject to the 90-day rule. Interested parties need only inquire at their local telephone business office. Caming said later he expected an "avalanche" of inquiries.

Atlantic Richfield Co.'s retail credit manager, Rudolph J. Megaro, declined to give an assurance that his firm would comply with such requests, although he agreed "philosophically" that ARCO customers should have the right to know who is looking into their charge records.

Megaro told the commission ARCO had received 550 requests in 1975 from federal, state and local law enforcement agencies to provide information on customer's accounts. While about 500 of these dealt with stolen or lost credit cards, others concerned mail fraud or civil or criminal cases, he said.

Some of ARCO's requests were from the Internal Revenue Service, the FBI, the Federal Energy Administration and various courts.

Megaro said that ARCO did not supply information on its customers' accounts to other credit card companies or credit reporting bureaus. With a little prodding from Koch, Megaro admitted he felt "queasy" about supplying information to the FBI and the IRS

especially without telling the customer. He said industry would be more comfortable with "guidelines," but opposed having privacy regulations now in effect for the federal government to private industry, mainly because of the cost.

Support for extending the privacy rules beyond government came from Rep. Bella S. Abzug (D-N.Y.), who chaired the congressional subcommittee that oversees the privacy act. Abzug told how a credit bureau in Nashua, N.H., tried to "ransom" credit files by selling them back to the subjects.

The bureau told the subjects it had copies of personal financial information for sale for \$7.50, she said. The letter continued, "We have decided to give you a chance to obtain sole possession of your complete file before it becomes part of a large computerized data bank, which may allow unlimited access by thousands of people."

## ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 3

At the request of Mr. KENNEDY, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 3, a bill to create a national system of health security.

S. 2402

At the request of Mr. FONG, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 2402, a bill to amend section 37 of the Internal Revenue Code of 1954 to make the tax treatment of retirement income comparable to that of social security income.

S. 2960

At the request of Mr. HUMPHREY, the Senator from Idaho (Mr. CHURCH) and the Senator from Colorado (Mr. HASKELL) were added as cosponsors of S. 2960, a bill to provide for quarterly adjustments in the support price for milk, and for other purposes.

S. 3004

At the request of Mr. HUMPHREY, the Senator from Iowa (Mr. CLARK), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Wyoming (Mr. MCGEE) were added as cosponsors of S. 3004, a bill to establish a National Commission on Food Costs and Pricing to appraise the food marketing industry.

S. RES. 319

At the request of Mr. CURTIS, the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Wisconsin (Mr. NELSON) were added as cosponsors of Senate Resolution 319, relating to the occupation of certain Baltic Nations by the Soviet Union.

## SENATE RESOLUTION 400—SUBMISSION OF A RESOLUTION TO ESTABLISH A STANDING COMMITTEE OF THE SENATE ON INTELLIGENCE ACTIVITIES

(Referred to the Committee on Government Operations.)

(Referred to the Committee on Rules and Administration.)

Mr. MANSFIELD (for Mr. RIBICOFF, for himself, Mr. CHURCH, Mr. PERCY, Mr. BAKER, Mr. BROCK, Mr. CHILES, Mr. GLENN, Mr. JAVITS, Mr. MONDALE, Mr. NUNN, Mr. ROTH, Mr. SCHWEIKER, Mr. WEICKER, Mr. MORGAN, and Mr. HUD-

March 1, 1976

## CONGRESSIONAL RECORD—SENATE

standard of confidentiality that every American is entitled to expect in regard to personal financial transactions. It is a standard which can be easily adopted, effectively administered, without serious commercial complications. I urge prompt action on this measure.

I ask unanimous consent that this bill be printed in the RECORD, together with news articles detailing the abuses disclosed by the Privacy Commission.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 3057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 2 of the Truth in Lending Act is amended by adding at the end thereof the following new section:

"§ 136. Confidentiality

"(a) Except as provided in subsection (b), a card issuer may not provide any records or information relating to a cardholder's use of that issuer's credit card to a third party without the consent of the cardholder.

"(b) A card issuer may not provide any records or information relating to a cardholder's use of that issuer's credit card to any third party in response to a subpoena unless the card issuer notifies the cardholder of the receipt of the subpoena.

"(c) A communication between a card issuer and a person who has agreed to honor that issuer's card to validate the existence of a credit card account or to determine the balance of an account does not violate this section."

(b) The analysis of such chapter is amended by adding at the end thereof the following new item:

"135. Confidentiality."

[From the Washington Post, Feb. 12, 1976]

CREDIT PRIVACY INVADED—DATA YIELDED BY AMERICAN EXPRESS CO.

(By Nancy Ross)

NEW YORK, February 11.—American Express, which has more than 6 million credit card holders around the world, revealed today that it routinely supplies information about its customers' finances to government agencies and even to private attorneys. Moreover, it declines to notify its card holders who is investigating them.

Executives of the American Express Co. testified today at a hearing on the credit card industry, and related fields, held by the Privacy Protection Study Commission. This body was appointed jointly by the executive and legislative branches in June 1975 to determine whether the provisions of 1974 privacy act should extend to the private sector. The act requires all federal agencies to disclose to the individual concerned what information it may have on him or her and to prevent that information from being used for purposes other than that for which it was collected.

James M. Stetler, vice president for marketing and development of the credit card division, and assistant general counsel Gary Beller declared that American Express receives several hundred subpoenas or court orders a year to furnish information to the Justice Department, the Internal Revenue Service, the Immigration Service, the Drug Enforcement Agency or private attorneys in matrimonial cases. Information provided by American Express details a cardholder's transactions. From this, for example, an interested party could determine if an individual spent the night in a certain hotel or spent a lot of money in a given store on particular merchandise.

The fact of the investigation is not revealed to cardholder by the company which takes the position that the government agency or other investigator should inform the individual. Some clients, however, apparently do get wind of investigations and demand angrily to know why American Express is releasing such information. When asked by Rep. Edward Koch (D-N.Y.) whether the giving of such information violated the company's fiduciary relations to its customers, the witnesses replied their primary obligation was to obey the law—answer the subpoenas.

Koch pressured further and asked whether the company would be willing to inform customers in advance of such investigations before giving up the evidence, Beller replied, "I can see us getting involved in motions to quash subpoenas. This would add to the cost of our operations."

American Express also requests customers' Social Security numbers, although officials could think of no valid reason for so doing except as proof in fraud cases.

Beller testified that foreign governments—France was the only one he named—have occasionally sought American Express records to discover if their citizens have violated foreign currency regulations.

[From U.S. News & World Report, Feb. 23, 1976]

CREDIT CARDS: GROWING CONCERN OVER YOUR PRIVACY

NEW YORK CITY.—New disclosures here are fueling suspicions of millions that their private credit-card data may not be so private, after all.

Officials of some of the nation's largest credit-card concerns told a federal commission that tax investigators, law-enforcement authorities and other arms of the Government have been able to get hold of credit information—often without the knowledge of the person under scrutiny.

The company officials insisted that such disclosures are few and are made in response to legal orders.

"Abuse of privacy is the exception, rather than the rule," said James M. Stetler, a vice president of American Express Company, one of the largest credit-card companies. Mr. Stetler and other industry officials testified in hearings held here February 11-13 by the U.S. Privacy Protection Study Commission, set up by the Privacy Act of 1974. The panel is looking into how the multi-billion-dollar industry safeguards confidential information.

The investigation is being conducted with "an open mind," said David F. Linowes, chairman of the Commission. But he warned that the trails credit cards leave behind them could be dangerous. If such information should get into the hands of organized crime, for instance, there could be attempts at blackmail and other misuse, Mr. Linowes noted.

PUNCHING A FEW KEYS

Of special concern to the Commission is the use of credit-card information in computers. Mr. Linowes said:

"The universality of credit cards means that information about specific people can be selected and made available merely by punching a few keys in a computer. First, the credit bureaus track down credit-worthiness before cards are issued. Then information continues all along the line—what people buy, where they travel, where they stay, the magazines they subscribe to and the reservations they make.

"All of these things get into computer data banks where a profile of an individual can be designed. The resulting picture can show whether an individual is liberal or conservative, his affluence and habits."

William Dunkelberg, associate director of the Credit Research Center at Purdue University, estimated that more than a half bil-

lion cards for credit, charges or cash transfers are in use in the United States. They account for at least 120 billion dollars in transactions a year, he said.

Many businesses in the credit-card field are disturbed by the Commission's investigation.

At the hearings here, spokesmen for American Express conceded that under subpoena the company releases information on cardholders to the Federal Government and private attorneys without informing their customers. The company later announced it will notify cardholders when records are subpoenaed. Other companies—BankAmericard, for one—said that attempt to notify their customers by phone.

Mr. Stetler told of steps taken by American Express to keep information confidential. Access to a customer's purchasing record is limited to a few key personnel, he said. Further, he testified, the company changes weekly the "password" needed by computer operators to get access to customer records.

John Reynolds, president of Interbank Card Association, which administers the Master Charge card, and Dee W. Hock, Jr., president of National BankAmericard, Inc., asserted that much of the information about the financial condition of their cardholders is decentralized. Customer records for these two bank cards, they testified separately, are kept at individual banks rather than in a central computer.

Industry representatives said that they do not keep cardholders' billing records over a long period of time because it is too costly to do so. Records are kept only for the month in which the bill is mailed to the customer.

According to the companies, increased supervision by the Government would add to the cost of doing business.

W. Lee Burge, president of Equifax, Inc., an Atlanta company that digs into credit backgrounds for card distributors, told U.S. News & World Report that the commission's fears are "farfetched in some respects." Laws already restrict the gathering of data on individuals, he said. Mr. Burge added:

"Most of the criticism that has come our way is a lack of understanding of the need for information in the credit field."

Adds another spokesman for a popular credit-card company: "The only thing we are interested in about an individual is whether he's a deadbeat."

PLANNING TO PUSH ON

The Commission, however, made clear that it intends to pursue its study.

Besides the credit-card companies, witnesses at the New York hearings included representatives of American Telephone & Telegraph, Atlantic Richfield, retail stores, airlines and other companies offering credit.

In nearly all cases, they aimed to dispel the concern described by Representative Edward I. Koch (Dem.), of New York, a member of the Commission. He declared: "There's a gut feeling that lots of people have that their privacy is not being respected."

[From the New York Times, Feb. 12, 1976]

POLICIES ON PRIVACY DIFFER IN THE CREDIT-CARD INDUSTRY

(By Richard Phalon)

The Privacy Protection Study Commission was told yesterday that the Bank of America regularly attempts to notify a customer if Federal or other law enforcement agencies subpoena his records, while the American Express Company does not.

Testimony to that effect came from officials of both concerns at the first of a three-day series of hearings into how the credit card industry handles and safeguards confidential information supplied by customers.

The divergent policies followed with the Internal Revenue Service and other governmental agencies came to light when Representative Edward I. Koch, one of the two

March 1, 1976

## CONGRESSIONAL RECORD — SENATE

S 2533

DLESTON) submitted the following resolution:

S. RES. 400

Resolution to establish a Standing Committee of the Senate on Intelligence Activities, and for other purposes.

Resolved, That it is the purpose of this resolution to establish a new standing committee of the Senate, to be known as the Committee on Intelligence Activities, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation concerning such intelligence activities and programs. In carrying out this purpose, the Committee on Intelligence Activities shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. Rule XXIV of the Standing Rules of the Senate is amended by adding at the end thereof a new paragraph as follows:

"3. (a) Six members of the Committee on Intelligence Activities shall be from the majority party of the Senate and five members shall be from the minority party of the Senate.

"(b) No Senator may serve on the Committee on Intelligence Activities for more than six years of continuous service, exclusive of service by any Senator on such committee during the Ninety-fourth Congress. To the greatest extent practicable, at least three but not more than four Members of the Senate appointed to the Committee on Intelligence Activities at the beginning of the Ninety-sixth Congress and each Congress thereafter shall be Members of the Senate who did not serve on such committee during the preceding Congress.

"(c) At the beginning of each Congress, the members of the Committee on Intelligence Activities who are members of the majority party of the Senate shall select a chairman, and the members of such committee who are from the minority party of the Senate shall elect a vice chairman. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the Committee on Intelligence Activities shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 6(f) of rule XXV of the Standing Rules of the Senate."

SEC. 3. (a) Paragraph 1 of rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new subparagraph:

"(s) Committee on Intelligence Activities, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

"(A) The Central Intelligence Agency and the Director of Central Intelligence.

"(B) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

"(C) The organization or reorganization of any department or agency of the Government to the extent that the organization or

reorganization relates to a function or activity involving intelligence activities.

"(D) Authorizations for appropriations for the following:

"(i) The Central Intelligence Agency.

"(ii) The Defense Intelligence Agency.

"(iii) The National Security Agency.

"(iv) The intelligence activities of other agencies and subdivisions of the Department of Defense.

"(v) The intelligence activities of the Department of State.

"(vi) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

"(vii) Any department, agency, or subdivision which is the successor to any agency named in item (i), (ii), or (iii); and the activities of any department, agency, or subdivision which is the successor to any department or bureau named in item (iv), (v), or (vi) to the extent that the activities of such successor department, agency, or subdivision are activities described in item (iv), (v), or (vi)."

(b) Paragraph 3 of rule XXV of the Standing Rules of the Senate is amended by inserting:

"Intelligence Activities..... 11"  
Immediately below

"District of Columbia..... 7".

(c) (1) Subparagraph (d) of paragraph 1 of rule XXV of the Standing Rules of the Senate is amended by inserting "(except matters specified in subparagraph (s))" immediately after the word "matters" in the language preceding item 1.

(2) Subparagraph (i) of paragraph 1 of such rule is amended by inserting "(except matters specified in subparagraph (s))" immediately after the word "matters" in the language preceding item 1.

(3) Subparagraph (j)(1) of paragraph 1 of such rule is amended by inserting "(except matters specified in subparagraph (s))" immediately after the word "matters" in the language preceding item (A).

(4) Subparagraph (l) of paragraph 1 of such rule is amended by inserting "(except matters specified in subparagraph (s))" immediately after the word "matters" in the language preceding item 1.

SEC. 4. (a) The Committee on Intelligence Activities of the Senate, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters deemed by the Committee on Intelligence Activities to require the immediate attention of the Senate or such other committee or committees. In making such reports, the committee shall proceed in a manner consistent with paragraph 7(c)(2) to protect national security.

(b) The Committee on Intelligence Activities of the Senate shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such report shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interests. Such report shall be unclassified and shall be made available to the public by the Committee on Intelligence Activities. Nothing herein shall be construed as requiring the disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the sources of information on which such reports are based.

SEC. 5. (a) No person may be employed as

a professional staff member of the Committee on Intelligence Activities of the Senate or be engaged by contract or otherwise to perform professional services for or at the request of such committee for a period totaling more than six years.

(b) No employee of such committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing to be bound by the rules of the Senate and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 6. The Committee on Intelligence Activities of the Senate shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 7. (a) The Committee on Intelligence Activities of the Senate may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote.

(b) (1) In any case in which the Committee on Intelligence Activities of the Senate votes to disclose publicly any information submitted to it by the executive branch which the executive branch requests be kept secret, such committee shall notify the President of such vote.

(2) The committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless, prior to the expiration of such five-day period, the President notifies the committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to the national interest of the United States posed by such disclosure is vital and outweighs any public interest in the disclosure.

(3) The Committee on Intelligence Activities may disclose publicly such information at any time after the expiration of three days following the day on which it receives an objection from the President pursuant to paragraph (2), unless, prior to the expiration of such three days, three or more members of such committee file a request in writing with the chairman of the committee that the question of public disclosure of such information be referred to the Senate for decision.

(4) In any case in which the Committee

on Intelligence Activities votes not to disclose publicly any information submitted to it by the executive branch which the executive branch requests be kept secret, such information shall not be publicly disclosed unless three or more members of such committee file, within three days after the vote of such committee disapproving the public disclosure of such information, a request in writing with the chairman of such committee that the question of public disclosure of such information be referred to the Senate for decision, and public disclosure of such information is thereafter authorized as provided in paragraph (5) or (6).

(5) Whenever three or more members of the Committee on Intelligence Activities file a request with the chairman of such committee pursuant to paragraph (3) or (4), the chairman shall, not later than the first day on which the Senate is in session following the day on which the request is filed, report the matter to the Senate for its consideration.

(6) One hour after the Senate convenes on the first day on which the Senate is in session following the day on which any such matter is reported to the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of the information in question, in which case the committee shall publicly disclose such information.

(B) disapprove the public disclosure of the information in question, in which case the committee shall not publicly disclose such information, or

(C) refer the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the fifth day following the day on which such matter was reported to the Senate, the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph.

(c) (1) No classified information in the possession of the Committee on Intelligence Activities relating to the lawful intelligence activities of any department or agency of the United States which the committee or the Senate, pursuant to subsections (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The Committee on Intelligence Activities, or any member of such committee, may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the Committee on Intelligence Activities, or any member of such committee, makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee, which, receives any information under this subsection, shall make the information available to any other person, except that a Senator may make such information available either in a closed session of the Senate, or to another Member

of the Senate; however, a Senator who communicates such information to another Senator not a member of the committee shall promptly inform the Committee on Intelligence Activities.

(d) The Select Committee on Standards and Conduct may investigate any alleged disclosure of intelligence information by a Member, officer, or employee of the Senate in violation of subsection (c). At the request of five of the members of the Committee on Intelligence Activities or sixteen Members of the Senate, the Select Committee on Standards and Conduct shall investigate any such alleged disclosure of intelligence information and report its findings and recommendations to the Senate.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of Member, or removal from office or employment, in the case of an officer or employee.

Sec. 8. The Committee on Intelligence Activities of the Senate is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

Sec. 9. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by S. Res. 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the Committee on Intelligence Activities.

Sec. 10. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the Committee on Intelligence Activities of the Senate fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or witness in its employ, whenever requested by the Committee on Intelligence Activities of the Senate with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the Committee on Intelligence Activities of the Senate any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, Presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

Sec. 11. It shall not be in order in the Senate to consider any bill or resolution, or amendment thereto, or conference report thereon, which appropriates funds for any fiscal year beginning after September 30, 1976, to, or for the use of, any department or agency of the United States to carry out

any of the following activities, unless such funds have been previously authorized by law to carry out such activity for such fiscal year—

(1) The activities of the Central Intelligence Agency.

(2) The activities of the Defense-Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

Sec. 12. (a) The Committee on Intelligence Activities shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness on planning, gathering, use, security, and dissemination of intelligence—

(1) the quality of the analytical capabilities of United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(7) the authorization of funds for the intelligence activities of the government and whether disclosure of any of the amounts of such funds is in the public interest; and

(8) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The Committee on Intelligence Activities of the Senate shall report the results of the study provided for under subsection (a) to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

Sec. 13. (a) As used in this resolution, the term "intelligence activities" includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related

March 1, 1976

## CONGRESSIONAL RECORD — SENATE

S 2535

policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term "department or agency" includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 14. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

Mr. BAKER. Mr. President, I am gratified by the opportunity to cosponsor the Senate resolution submitted today to establish a Standing Committee on Intelligence Activities, and I commend the several members of the Government Operations Committee and the Select Committee on Intelligence Activities which have participated in this endeavor.

As may be recalled, I declined to cosponsor S. 2893, the Intelligence Oversight Act introduced by my distinguished colleague from Idaho (Mr. CHURCH) and other members of the select committee, because I strongly objected to two provisions of that bill. Specifically, I opposed the provisions requiring prior notice of covert or clandestine operations as a condition precedent to executive action, and allowing declassification of executive documentation over the objection of the President by a majority vote of an individual Senate committee. Consequently, I am pleased that the Government Operations Committee deleted the prior notice requirement in this resolution, while retaining the stricture that the new oversight committee be "fully and currently informed." In my opinion, the former requirement was fraught with practical and constitutional difficulty, and prevented my cosponsorship of the so-called Church committee bill, notwithstanding my active support for congressional oversight legislation and my participation in the drafting of that bill.

I remain concerned about the provisions for disclosure of classified information over the objection of the President as are contained in section 7 of this resolution which I am today cosponsoring. As I indicated in my testimony be-

fore the Government Operations Committee, and in subsequent communication with Senator PERCY, I believe that such disclosure over Presidential objection should occur only by a majority vote of the full Senate, at the very least, and preferably by concurrent resolution of the two Houses of Congress. After all, it is the aggregation of the House of Representatives and the Senate that constitute the coordinate branch of Government; and I believe that it would be constitutionally more appropriate for the full Congress to overrule a determination of confidentiality by the President.

To the extent that this resolution provides for disclosure by the proposed new committee, unless three Members thereof object in writing, or disclosure by the committee upon referral by the Senate, I am in disagreement; and I wish to apprise my colleagues that, should these provisions reach the floor of the Senate unaltered, I will attempt to amend the resolution to prohibit disclosure of confidential information over Presidential objection unless such disclosure is authorized by concurrent resolution of the House and Senate.

Other than this remaining objection, I think that this resolution is an appropriate and timely vehicle for enhancing and elaborating congressional oversight of the U.S. intelligence effort. Such proposals have been before the Congress for over 20 years, and I congratulate the Government Operations Committee for its thoughtful and intensive hearings and for its wisdom in reporting this resolution to the Senate. I look forward to further consideration of this proposal and to the views and alternative proposals of my colleagues.

Mr. President, I ask unanimous consent that a letter from me to the distinguished ranking member of the Government Operations Committee (Mr. PERCY) in response to his request for my specific views of S. 2893 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 17, 1976.

HON. CHARLES H. PERCY,  
Committee on Government Operations,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR PERCY: I am pleased to further elaborate my views of intelligence oversight legislation currently before the Government Operations Committee and, specifically, of S. 2893, the bill introduced by Senator Church and seven other members of the Senate Select Committee on Intelligence Activities.

As I indicated both during the deliberations of the Select Committee and on the floor of the Senate, I consider two provisions of S. 2893 to be highly undesirable. To be precise, I respectfully recommend to the Government Operations Committee that Section 10 be deleted in its entirety and that Subsections (c) and (d) be stricken from Section 13.

With respect to Section 10, and as I have stated previously, I do not believe that information transmitted from the Executive Branch to the Congress should be disclosed publicly, over the objection of the President, other than by a majority vote of the full Senate, rather than by a determination by a committee upon referral as is provided in Section

10. Rather than the adoption of Section 10, I strongly suggest that Rule XXXVI of the Standing Rules of the Senate be amended so as to clarify that disclosure of classified documentation shall not occur over the objection of the President without leave of the full Senate, as expressed by an affirmative vote of the Senate on the issue of disclosure.

I would strike Subsections (c) and (d) of Section 13 because those provisions are fraught with constitutional and practical difficulty. Notwithstanding my support for effective and vigorous Congressional oversight of the intelligence community, and notwithstanding my belief that the conduct of intelligence activities must become a cooperative undertaking between the coordinate Branches of Government, I find that the provision of prior notice to Congress of clandestine operations, as a condition precedent to such undertakings, is incompatible with the President's constitutional powers to conduct foreign policy and to act as Commander in Chief. This sense of incompatibility becomes especially poignant when required prior notice is coupled with the threat of disclosure, thereby constituting an effective veto power.

As I have often stated, the requirement, provided in Section 13(a), that the oversight committee be "fully and currently informed" enjoys the benefit of over 20 years of precedent dating from the passage of the Atomic Energy Act. This requirement has afforded the Joint Committee on Atomic Energy timely and informed notice of sensitive operations and will provide the new oversight committee with a sufficient mandate to require information of the Executive Branch.

I also am disturbed, albeit less strenuously, by the provision in Section 5 of S. 2893 stating that the current jurisdiction of other Senate committees shall not be repealed or diminished by the provisions of that bill. In my opinion, a new oversight committee can be effective only if it is a single-purpose, primary oversight committee which is sole charged with the important business of intelligence oversight. Furthermore, I sympathize with the complaints of the intelligence community that the Central Intelligence Agency currently is required to brief six Congressional subcommittees on intelligence matters; and I think that the retention of dual or concurrent jurisdictions between the existing committees and the new committee will create an unwieldy and unworkable situation.

While I understand that the Government Operations Committee is required to submit a report on S. 2893 not later than March 1 of this year, I also commend to the Committee during its mark-up sessions the approach adopted in S. 317, the Joint Committee on Intelligence Oversight Act introduced by Senator Lowell Weicker and myself. That legislation, as does S. 2893, provides that the new committee should possess exclusive funding authorization jurisdiction and makes clear that the new committee's authorization and oversight jurisdiction encompasses the national security activities of the Federal Bureau of Investigation, authorities which I consider to be integral elements of coordinated, effective oversight.

Additionally, in defining those "intelligence activities" which are subject to the jurisdiction of the new oversight committee, I suggest that your committee take cognizance of ad hoc intelligence operations, such as the infamous Plumbers Group, so as to make clear that the new committee is to receive full and current information of all intelligence activities, whether or not such activities are conducted by those departments and agencies which fall within the committee's primary jurisdiction.

Finally, while I am disturbed greatly by the recent unauthorized disclosures of intelligence information, and while I fully support strengthening the sanctions against such

disclosure by Members of Congress and their staffs, I wish to respectfully submit that the establishment of an effective Congressional oversight capability, and the strengthening of prohibitions against "leaks" are not mutually exclusive. I think it unfortunate that the impetus for effective Congressional oversight of the intelligence community has been somewhat diminished by the irresponsible conduct of a few, and I believe that the recent and contemptible experience of Congress in maintaining the confidentiality of information will be at least partially remedied by the establishment of a formal and responsible committee arrangement for intelligence oversight.

Thank you again for requesting and considering my views.

Yours very truly,

HOWARD H. BAKER, JR.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that a resolution (S. Res. 400) submitted earlier be referred to the Committee on Rules and Administration which would, in accordance with the prior unanimous-consent agreement, be under obligation to be reported to the Senate no later than March 20, 1976.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Robert E. Lee, of Colorado to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1975, vice Lyle S. Garlock.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, March 8, 1976, any representations or objections they may wish to present concerning the above nomination with a further statement whether it is their intention to appear at any hearing which may be scheduled.

#### ANNOUNCEMENT OF CONTINUED HEARINGS IN PREPARATION FOR THE FIRST CONCURRENT RESOLUTION

Mr. MUSKIE. Mr. President, the Senate Budget Committee continues public hearings on the first concurrent resolution on the budget for fiscal 1977 on March 2, 4, 5, and March 9, 10, 11.

These hearings will provide valuable information to the Budget Committee for making decisions on the first concurrent resolution on the budget, which must be reported by the committee to the Senate by April 15. This first concurrent resolution on the budget will set targets for total budget outlays and total new budget authority as well as targets for spending in each major functional category of the budget. The first resolution will also specify targets for revenues for the coming fiscal year as well as the surplus or deficit in the budget which is appropriate in light of economic conditions and all other relevant factors.

On Tuesday, March 2, the topic will be "Retirement Programs and the 1977 Budget." The witnesses will be Commissioner of the Social Security Administration James B. Cardwell; Prof. William Hsiao, an actuary, formerly with HEW; Dr. Robert Ball of the Institute of Medicine and former Commissioner of the Social Security Administration; and Dr. Otto Eckstein, president of Data Resources, Inc.

On Thursday, March 4, the topic will be "monetary policy" and Chairman of the Federal Reserve Board Arthur Burns will testify.

"Foreign Policy and the Budget" is the topic of the hearing on Friday, March 5. Under Secretary of State for Political Affairs Joseph J. Sisco will testify.

On Tuesday, March 9, the topic will be "The Defense Budget." Secretary of Defense Donald H. Rumsfeld will testify at 10 a.m. At 2 p.m., Mr. Paul C. Warnke, former Assistant Secretary of Defense, will testify before the committee.

"Economic Forecast—Projections for Fiscal Year 1977" is the topic for our hearing on Wednesday, March 10. The witnesses will be Senator Hubert H. Humphrey, chairman of the Joint Economic Committee; Dr. Walter W. Heller, former Chairman of the Council of Economic Advisers; and Dr. Paul McCracken, former Chairman of the Council of Economic Advisers.

On Thursday, March 11, the topic will be "Labor and Management View the Budget."

All hearings will begin at 10 a.m. unless otherwise noted in room 357 of the Russell Senate Office Building.

#### ANNOUNCEMENT OF HEARINGS

Mr. SPARKMAN. Mr. President, I wish to announce that the committee on Foreign Relations plans to hold the first of several hearings on the Treaty of Friendship and Cooperation with Spain (S. E. 94-2) on Wednesday, March 3, 1976, at 10:00 a.m., room 4221, Dirksen Building, to hear Ambassador Robert McCloskey and other members of the U.S. negotiating team.

#### ADDITIONAL STATEMENTS

##### DR. HERBERT A. STAHL

Mr. HRUSKA. Mr. President, historians no doubt will look back upon this, the 20th century, with mixed feelings. On one hand, the past 75 years have witnessed the greatest technological and scientific advances since the first stirrings of recorded civilization. These great accomplishments should have heralded the dawn of the golden age of mankind. Unfortunately, this has not been the case for, in fact, the 20th century has contained some of history's most brutal examples of man's inhumanity to his fellow man.

The details of this century's first 75 years have been well documented. They have included war, genocide, massacres, the mass displacement and movement of countless millions of refugees. I would like to take the opportunity to record one

small footnote to this history by relating the case of Dr. Herbert A. Stahl.

Dr. Stahl was born in 1907 in Pressburg—now called Bratislava—of what was then part of the Austrian-Hungarian Empire. Bratislava is situated on the left bank of the river Danube, just 1 hour's drive from Vienna. Across the river, readily seen from the Castle of Bratislava, are a few tiny Austrian villages where most of Herbert Stahl's ancestors came from. On the western horizon, the bluish silhouette of the famed Vienna Woods are clearly discernible. He was a citizen of that empire until 1918 when in the wake of World War I the Hapsburgs were deposed and the modern Czechoslovakian state created.

After the establishment of the new state, Dr. Stahl became a Czechoslovakian citizen. During the census of 1928, however, the citizens of Czechoslovakia were required to register according to their mother language. For Dr. Stahl this meant that he had to register using the language also spoken in Vienna, that is, the Germanic language. This was to have grave consequences in future years.

As the new state prospered and advanced, so did the fortunes of Dr. Stahl who in 1932 had graduated from the University of Prague and was now a scientist and a writer. A 1-year's sojourn in Berlin familiarized him with the model German research institutions, particularly as basic and applied research into physics are concerned. During the early 1930's Dr. Stahl busied himself as a free lance writer of articles some of which opposed dictatorship and advocated the concept of a United States of Europe. Later he was to be a prolific writer published, among others, 16 professional essays, in Czech or Slovak language, centering upon the flagrant absence of applied and industrial research in Czechoslovakia. These were well received and recognition of his work resulted in an invitation to be listed in a Czechoslovak Interservice World Engineering Whos Who, published in Prague. In 1937, he coauthored a Jewish cultural encyclopedia entitled "Jews in German Cultural Sphere."

During all these years, Dr. Stahl proceeded in his favorite field of tube electronics centering on the production of neon light devices. In 1933, he became the licensee for a Jewish-owned company founded in Prague by a refugee friend from Berlin, and continued later in the neon department of a huge shoe concern in Alim, Moravia, soon to be dismantled by the owners in a wise foreboding of the rapidly approaching apocalypse.

During this same prewar period Dr. Stahl was by his own initiative instrumental in advancing the concept of a central Czechoslovak Institute for Industrial Research. This productive activity, however, came to a halt as a result of a serious traffic accident in 1938, and the concurrent pre-Munich confusion in Czechoslovakia. As Dr. Stahl laid confined to a hospital bed, the German Army under the pretext of protecting the German minority, marched into the Sudetenland. The rest is well known, within a short time Czechoslovakia was under total German domination, and the land once again was at war.

S 2560

## CONGRESSIONAL RECORD — SENATE

March 1, 1976

cause for serious reconsideration over this country's policy of detente. Any nation which willingly subjects American officials and their families to possible virulent radiation exposure does not deserve special consideration under the loosely defined terms of detente.

With best wishes,  
Sincerely,

ROBERT C. BYRD,  
U.S. Senator.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

## OKLAHOMA SENATORIAL CONTESTED ELECTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 572, Senate Resolution 356, and that it be laid before the Senate and made the pending business.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The legislative clerk read as follows: A resolution (S. Res. 356) relating to the Oklahoma senatorial contested election.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

## RECESS UNTIL 2 P.M. TODAY,

Mr. MANSFIELD. Mr. President, in view of the fact that the Committee on Rules and Administration has been meeting all morning and is meeting through the lunch hour in an effort to report a bill affecting the future of the Federal Elections Commission, I ask unanimous consent that the Senate at this time stand in recess until the hour of 2 p.m. today.

There being no objection, the Senate, at 12:29 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DOLE).

## ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR GARY HART AND SENATOR ROBERT C. BYRD AND FOR A PERIOD FOR ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the completion of any other special order for which permission has already been entered on tomorrow, Mr. GARY HART be

recognized for not to exceed 15 minutes, after which I be recognized for not to exceed 15 minutes, after which there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RESUMPTION OF UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the conclusion of routine morning business tomorrow, the Senate resume consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDMENT OF SECTION 142 OF TITLE 13, UNITED STATES CODE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on H.R. 7824, that the bill be considered as having been read the first and second times, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER laid before the Senate H.R. 7824, an act to amend section 142 of title 13, United States Code, to change the date for taking censuses of agriculture, irrigation, and drainage, and for other purposes.

The PRESIDING OFFICER. Without objection, the bill will be considered as having been read twice by title; and without objection, the Senate will proceed to its consideration.

The bill was considered, ordered to a third reading, read the third time, and passed.

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will meet at the hour of 12 o'clock noon tomorrow. After the two leaders or their designees have been recognized under the standing order, Mr. STONE will be recognized for not to exceed 15 minutes, after which Mr. GARY HART will be recognized for not to exceed 15 minutes, after which Mr. ROBERT C. BYRD will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 5 minutes; at the conclusion of which period the Senate will resume consideration of Senate Resolution 356, a resolution relating to the Oklahoma senatorial contested election.

Mr. HATFIELD. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. HATFIELD. As I understand the Senator, the leadership has laid before the Senate the Oklahoma contest, which was initially expected to be taken up at 2 o'clock today. With the problems of the Committee on Rules, do I understand now that it will be the first order of business following the morning hour on tomorrow?

Mr. ROBERT C. BYRD. Yes.

Mr. HATFIELD. I wish to let the leadership know that I feel that perhaps we are getting ourselves into somewhat a difficult thicket. We are putting great priority, as we should be, on problems related to the Federal Election Commission. That is under some very strict time frame. I believe there was introduced or will soon be introduced the question relating to setting up of an intelligence oversight committee. That, too, will have great priority. I wonder if the Senator could respond to this particular circumstance I outlined as it relates to taking up the Oklahoma contest as of tomorrow?

Mr. ROBERT C. BYRD. Only to say that, as was announced last week, it is the intention of the leadership to move to take up the disputed Oklahoma election contest today. It is before the Senate and it would be the intention of the leadership on tomorrow to resume consideration of that question.

Mr. HATFIELD. I understand.

Mr. President, I should like to put the Senate on notice now that I am certainly flexible on the matter of the time schedule for the Oklahoma contest to be considered by the full Senate. I feel there is certainly great priority on reconstituting the Federal Elections Commission and setting up an intelligence oversight committee.

I want to put the Senate on notice that I am not going to be pressured by these two priority bills that will be coming before this floor to cut short the necessary time that may be required to consider the Oklahoma contest. I have a feeling we are kind of in front of a big freight train here. Somehow we hear this train coming down the track, a freight train with the matters of the Federal Elections Commission and an intelligence oversight committee. I am not ready to jump the track to make ready for the train merely because it is coming down the track. I want to give due notice that, under no circumstance, at least as the manager of the minority side on the Oklahoma contest, will I be steamrollered or will I be pressured to bring the debate to a close or engage in any kind of time agreement, merely because we have these greater priorities stacking up behind us. I want to raise this before we get into Oklahoma so that the Senator will have clear notice that I am willing to cooperate with the leadership in any way possible to handle all these matters expeditiously. I just do not want to be put in the position of their saying, "We have a time limitation on reconstituting the Federal Elections Commission, it has greater national priority than the Oklahoma contest; therefore, we would like to have you enter into some kind of time agreement because of the priority of these other bills."

I think I made it very clear, throughout the entire committee period of discussion of this matter, and also on the floor, in December that, in my estimation, unless there is some way to reach some kind of agreement or understanding prior to taking up this case, we will be engaged in a very long discussion. I just do not want to be put in the position of then being charged with delaying

March 1, 1976

## CONGRESSIONAL RECORD — SENATE

S 2559

## PLANNING VERSUS NATIONAL POLICY ASSESSMENT AND ACTION PROGRAM

Throughout I have used the word planning, unfortunately, planning is a pejorative word when applied to federal socio-economic activities. There are many reasons for this, not the least of which is the fact that thirty to forty years ago we witnessed the rise of national economic planning systems around the world to strengthen the hands of dictators. Planning became associated with dictatorial governments which functioned in ways quite contrary to our views of the role of government. Because of such deep-seated antipathy to the word planning when applied to government, I suggest that it be discarded and other words be found to describe the process we are talking about here, namely the phrase National Policy Assessment and Action Program. This phrase highlights the fact that it is national policy with which we are concerned. It says, also, that we are not alone concerned with assessment but also with action programs.

## THE ROLE OF CORPORATE PLANNERS

Whatever is done to improve national long-range planning in the public sector will be significantly improved if the lessons painfully learned about long-range planning in the private sector are understood and applied. For this reason I propose that a series of dialogues begin between corporate planners and those in the federal government concerned with developing and using a national integrated long-range planning system. I do not have in mind conferences in which each group lectures to the other. Rather, I proposed working sessions in which participants deal with the many problems and issues associated with long-range planning in government.

I do not have in mind a continuous dialogue among the same individuals. This might be acceptable, but I think there are entirely different problems and issues to tax the minds of many people in and out of government. So I suggest a somewhat loosely coordinated series of dialogues involving many people in the public and private sectors.

I do not see these conferences as dealing with substantive matters. Rather, discussion should be concerned with techniques, procedures, lessons of experience in organizing the process and in executing it, and matters related to systems operations.

## CONCLUSION

I know of no more pressing problem in the United States than that of developing the capability to identify problems that lie ahead and to implement plans to deal with them. There is no reason why we cannot do this. A comprehensive aggregate integrated long-range national plan is not at this time the preferred approach, but we should begin to develop a more selective aggregative approach. In this process the lessons of corporate planning in business can have valuable applicability to government. In this endeavor corporate planners can make a significant contribution by engaging in continuous dialogue with government officials until the program is perfected.

## RADIATION IN THE U.S. EMBASSY IN MOSCOW

Mr. ROBERT C. BYRD, Mr. President, I have today written Secretary of State Henry Kissinger, urging that the Soviet Union be denied permission to build a new embassy in Washington until the Soviets halt their radiation bombardment of the U.S. Embassy in Moscow. There has been a matter of growing concern in recent weeks, and, as recently as Saturday, February 28, a comprehensive article on the Soviet's unconscion-

able actions appeared in the Washington Post.

I ask unanimous consent that the article and a copy of my letter to Secretary Kissinger be printed in the RECORD.

There being no objection, the article and the copy of the letter were ordered to be printed in the RECORD, as follows:

## MORALE LOW AT MOSCOW EMBASSY

(By Peter Osnos)

MOSCOW, February 27.—American diplomats in Moscow have written a "very strong" letter to top State Department officials demanding to be told the full extent of the radiation problem at the embassy here and whether it represents a serious health hazard, sources said today.

Morale in the embassy, one of the largest and most important American posts abroad, has plummeted since reports of the radiation began to circulate three weeks ago, the sources said. Although employees have been briefed, a full explanation of the situation including its causes and its dangers has been withheld.

The letter was drafted last week by the local branch of the American Foreign Service Association and was intended for Secretary of State Henry A. Kissinger. At the request of senior embassy officials, only a copy of the letter was sent to Washington with the original going to Ambassador Walter J. Stoessel.

"People are incensed," said one of those responsible for preparing the letter. So far no response has been received and further action—including possible legal action—is being considered.

At the outset, the impression given to embassy employees was that the radiation was caused solely by Soviet surveillance equipment which included microwave beams focused on the embassy. There have been reports from Washington this week, however, that the purpose of the Soviet radiation was to block American eavesdropping.

In any event, the true story is apparently known to very few people in the embassy, perhaps only Stoessel himself. Kissinger is responsible for the way the matter is being handled, it is understood, and he has stressed on several occasions that it is highly sensitive. He said that "discussions" are under way to solve the problem.

Since Monday, Sam Zweifel, a State Department physician, has been in Moscow performing blood tests on all embassy personnel and their families. It is not clear whether these tests were precipitated by discovery of specific problems at the embassy, as a report from Washington today suggested, or are simply a precaution.

One explanation for Dr. Zweifel's presence is that the regular embassy physician, Thomas Johnson, is on a vacation that was postponed when the radiation issue surfaced.

[In Washington, the State Department said it has sent a medical technician to Moscow to conduct blood tests on U.S. embassy personnel who may have been exposed to the microwave emissions. William Watson, the department's medical director, said: "The medical division has found no medical problems that it believes to be related to the situation at the embassy."]

The report from Washington also said that Stoessel suffered from anemia, which may have been aggravated by the radiation here. The embassy has already denied an earlier report that Stoessel is ill, but the ambassador refused to comment on today's report, he did deny that he plans to leave Moscow for reassignment. Stoessel has been here for two years.

At earlier briefings and again today, embassy officials strongly implied—but did not say directly—that there appears to be no great danger from the radiation to people

living in or working at the embassy. But the uncertainty is apparently beginning to have its effect on some embassy personnel and their families.

"We have a need and a right to know what this is all about," said one angry American. "How long is this going to continue?"

## U.S. PAID WIDOWER IN RADIATION CASE

The United States compensated the husband of a woman who died of cancer in 1969 after she had been exposed to microwave emissions at the American embassy in Moscow, informed sources said yesterday.

The sources said the woman developed a mole on her face while working as a secretary from 1966 to 1962 in a part of the embassy exposed to microwave emissions believed to be from Soviet radio jamming devices.

The mole developed into melanoma—a usually malignant tumor—and the woman, for whom the sources requested anonymity, died in 1969.

Her husband applied for compensation from the government on the grounds that her death may have been caused by her exposure to microwaves beamed at the embassy, the source said. His claim, for less than \$10,000 in lost wages, was honored.

U.S. SENATE,  
COMMITTEE ON APPROPRIATIONS,  
Washington, D.C., March 1, 1976.

HON. HENRY A. KISSINGER,  
Secretary of State, Department of State,  
Washington, D.C.

DEAR MR. SECRETARY: I am greatly disturbed at the reports of microwave radiation bombardment of our embassy in Moscow by the Soviet KGB. Such conduct is appalling by any diplomatic standards. I urge you to stop efforts currently underway permitting the Soviets to build a new embassy in Washington until this unconscionable action ceases.

The U.S. intelligence community has been subject to a constant barrage of media criticism over the last several months. Some of the information which revealed instances of wrongdoing by U.S. intelligence officials should have been made public in order to prevent future illegal operations. However, the sensationalist attitude which tried to portray legitimate U.S. intelligence operations as vile and morally reprehensible is misleading and potentially damaging.

I would be more reassured if, on the other hand, the true extent of Soviet spying in this country were as well publicized as are operations of U.S. intelligence officials. I am sure the American public would be appalled if the daily activities of Soviet spies—diplomatically disguised as trade, cultural, and press representatives—were exposed.

In this light, I was shocked when I learned of the Soviet spying on our embassy in Moscow with microwave radiation. Since the embassy houses hundreds of American officials and their families, the dangerous radiation is potentially harmful to their health and welfare. Under the cloak of "detente", the Soviets are placing American lives in jeopardy. Such wanton disregard for human safety and health cannot be condoned.

To allow the Soviets to continue such nefarious spying techniques is totally unacceptable. Immediate action must be taken to communicate to the appropriate high Soviet officials the repugnance expressed by many Americans concerning this distasteful episode.

On the floor of the Senate I have already expressed my feelings on this latest spying technique of the Soviet KGB. I have urged that the U.S. take action to halt efforts currently underway which would allow the Soviets to construct their much desired new embassy.

The Soviets' reprehensible actions are

March 1, 1976

## CONGRESSIONAL RECORD — SENATE

S 2561

the business of the Senate or of important bills that have stacked up behind Oklahoma.

**ROBERT C. BYRD.** Mr. President, I do not know of anybody who is going to charge the distinguished Senator with such. The intelligence oversight matter has been reported from the Committee on Government Operations. It has now gone to Rules, where the Committee on Rules will have something like 20 days in which to consider that matter. So I do not believe that that subject is going to be before the Senate within the next 3 weeks.

As to the Federal Elections Commission legislation, that is just being marked up in the Committee on Rules this afternoon and I do not believe that the Senate will be taking that up, in any event, certainly in the next day or so. I believe that the distinguished Senator from Oregon will have ample time in which to enlighten the Senate as to his views on the Oklahoma election. I do not have a feeling that the intelligence oversight matter is going to be coming along for at least 3 weeks, so I can assure the Senator that no charges are going to be leveled at him, so far as I am concerned, or the leadership on this side.

**Mr. HATFIELD.** I appreciate the comments of the distinguished assistant majority leader. I only call to mind that it was our expectation that the New Hampshire election matter would be handled in a very brief period of time. I recall that those events did not develop along that line. I just wanted to be in anticipation of circumstances that I visualized could occur and I merely wanted to make a record at this time. I appreciate the comments made by the distinguished Senator from West Virginia.

## ADJOURNMENT

**Mr. ROBERT C. BYRD.** Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 12 o'clock noon tomorrow.

The motion was agreed to; and, at 2:10 p.m., the Senate adjourned until Tuesday, March 2, 1976, at 12 meridian.

## NOMINATIONS

Executive nominations received by the Senate March 1, 1976:

## DEPARTMENT OF STATE

Frederick Irving, of Rhode Island, a Foreign Service Officer of Class one, to be an Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

## DEPARTMENT OF THE INTERIOR

William L. Fisher, of Texas, to be an Assistant Secretary of the Interior, vice Jack W. Carlson, resigned.

## IN THE AIR FORCE

Francis Hughes, of South Carolina, to be an Assistant Secretary of the Air Force, vice William W. Woodruff, resigned.

## DEPARTMENT OF TRANSPORTATION

Philip Allison Hogue, of Virginia, to be a member of the National Transportation

Safety Board for the remainder of the term expiring December 31, 1978, vice Louis M. Thayer.

## IN THE FOREIGN SERVICE

The following-named person for reappointment in the Foreign Service as a Foreign Service Officer of Class four, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

William R. Brew, of New Jersey.

For appointment as a Foreign Service Officer of Class four, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

James J. Reilly, of Maryland.

For appointment as a Foreign Service Information Officer of Class four, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

Sylvia Beatrice Rifkin, of the District of Columbia.

For promotion from a Foreign Service Officer of Class six to Class five:

Thomas M. Widenhouse, of Illinois.

For appointment as Foreign Service Officers of Class five, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Robert Joseph Carlson, of Iowa.

Robert J. Chevez, of California.

Arlene Render, of Ohio.

For promotion from Foreign Service Officers of Class seven to Class six:

Alvin H. Chin, of Texas.

Alan P. Larson, of Iowa.

For promotion from Foreign Service Information Officers of Class seven to Class six:

David L. Arnett, of Louisiana.

William C. Dawson, Jr., of Kentucky.

Don Reed Hamilton, of Oklahoma.

Alfred Haworth Jones, of Minnesota.

John T. Ohta, of Tennessee.

Ralph H. Ruedy, of Iowa.

Arthur L. Skop, of Maine.

For promotion from a Foreign Service Information Officer of Class eight to Class seven:

Rose Susan Bernstein, of Rhode Island.

For appointment as Foreign Service Officers of Class seven, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Joseph M. Chudzik, of New Jersey.

Jo Ann Hardee Collinge, of Florida.

Jerry V. Cook, of Texas.

Margaret deF. Dennis, of Maryland.

Robert J. Featherstone, of the District of Columbia.

J. Philippe Grégoire, of Virginia.

Anne M. Hackett, of California.

Donald B. Harrington, of Pennsylvania.

Paul F. Hurley, of Massachusetts.

Bruce W. Keeling, of Michigan.

Allen James Kepchar, of Indiana.

Allen LeBourgeois, of the District of Columbia.

Randall R. LeCocq, of New Mexico.

Jean Anne Louis, of Michigan.

Cheryl A. McDonald, of California.

Joseph R. McGhee, of Pennsylvania.

Thomas J. McMahon, of Indiana.

Richard A. Megica, of Florida.

Thomas Joel Miller, of Michigan.

Christine Shelly Monroe, of Kentucky.

Thomas J. Morgan, of California.

Thomas F. Opila, of Virginia.

John Malcolm Ordway, of California.

Mary C. Pendleton, of Kentucky.

Angel M. Rabasa, of Florida.

R. Ross Rodgers, of Washington.

Robert A. Sarofeen, of Virginia.

Charles R. Schwarck, of Pennsylvania.

Stuart J. D. Schwartzstein, of New Jersey.

Stephen T. Smith, of Nebraska.

Yvonne Frances Thayer, of California.

Stephen H. Thompson, of Arizona.

David G. Wagner, of Pennsylvania.

Neal A. Waldrop III, of Michigan.

Torrey Stephen Whitman, of Pennsylvania.

For appointment as Foreign Service Information Officers of Class seven, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Jeremy F. Curtin, of Virginia.

Daryl A. Daniels, of Illinois.

Alice C. LeMaistre, of Alabama.

Marshall R. Louis, Jr., of New York.

Nicholas Mele, of New York.

David E. Miller, of Pennsylvania.

Priscilla Colt Murphy, of Virginia.

Ray Orley, of California.

Nancy Elaine Rusinko, of Rhode Island.

Pamela H. White, of Massachusetts.

For appointment as Foreign Service Officers of Class eight, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Gary Roy Alexander, of California.

John H. Andre II, of Michigan.

Lewis R. Atherton, of the District of Columbia.

Carolyn H. Ervin, of California.

Carolyn J. Heskin, of North Dakota.

Kenneth R. Jernigan, Jr., of Virginia.

Marlaine Matuzic Kunkel, of New York.

Michael A. Leu, of Missouri.

Thomas A. Lynch, Jr., of Maryland.

Allen E. Nugent, of New Jersey.

Lawrence George Rossin, of California.

Joseph A. L. St. John, Jr., of Florida.

Curtis A. Stone, of Washington.

David Dale Trechter, of California.

Steven J. White, of Georgia.

Mark W. Willis, of Massachusetts.

Joseph Charles Wilson IV, of Washington.

For appointment as Foreign Service Information Officers of Class eight, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Anne M. Chermak, of Pennsylvania.

Lynne E. Hart, of California.

Jennifer E. Newton, of Pennsylvania.

Foreign Service Reserve Officers to be Consular Officers of the United States of America:

John D. Manuel, of Florida.

Robert W. Rebinson, of Tennessee.

Foreign Service Reserve Officers to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Igor N. Belousovitch, of Virginia.

Gloria E. Bozeman, of Illinois.

Richard D. Calder, of Virginia.

Gwen C. Clare, of Maryland.

Robert A. Dishaw, of Washington.

Michael B. Doyle, of California.

Cheryl A. Gregory, of Maryland.

Thomas L. Lauer, of Virginia.

Alphonso G. Marquis, of New York.

Imogene G. McCloud, of Massachusetts.

James L. McJimpsey, of South Carolina.

William D. Murray, of Virginia.

Sterling Persons, of Illinois.

Sally A. S. Sandberg, of California.

Jan L. Wentworth, of Virginia.

Mary L. Williams, of Montana.

Foreign Service Reserve Officers to be Secretaries in the Diplomatic Service of the United States of America:

R. Dennis Jones, of Ohio.

John B. L. Manniello, of New York.

Gordon B. Ramsey, of Utah.

Robert M. Smalley, of Virginia.

Thomas Vrebalovich, of California.

Garnett A. Zimmerman, of Virginia.

Foreign Service Staff Officers to be Consular Officers of the United States of America:

Barbara M. Johnson, of Massachusetts.

Janet Petronis, of New Jersey.

## IN THE MARINE CORPS

The following named officer of the Marine Corps Reserve for temporary appointment to the grade of brigadier general.

Robert S. Raisch.

S 2562

## CONGRESSIONAL RECORD — SENATE

March 1, 1976

## IN THE NAVY

The following named officers of the Navy permanent promotion to the grade of rear admiral:

LINE	
James W. Montgomery	John C. Dixon, Jr.
John A. Walsh	Donald P. Hall
Lee W. Fisher	James B. Linder
Thomas J. Hughes, Jr.	Lucien Capone, Jr.
Earl B. Fowler, Jr.	Richard E. Nicholson
Frederick F. Palmer	Arthur K. Knoezin
Kent J. Carroll	Roy D. Snyder, Jr.
William D. Robertson, Jr.	Paul H. Speer
Claude P. Ekas, Jr.	Sylvester E. Foley, Jr.
Norman K. Green	William P. Lawrence
Robert B. McClinton	Edward W. Carter, III
Albert J. Monger	Gerald E. Thomas
Murray C. Cook	Bobby E. Inman
John H. Alvis	Hugh A. Benton
	Steven A. White
	Robert W. Chewning
	"M" Staser Holcomb

## SUPPLY CORPS

Leroy E. Hopkins	Edward M. Kocher
Ralph H. Murphy, Jr.	

## CHAPLAIN CORPS

Withers M. Moore

## IN THE ARMY

I nominate the following-named officials for temporary appointment in the Army of the United States to the grade indicated, under the provisions of Title 10, United States Code, Sections 3442 and 3447:

*To be brigadier general*

Col. George E. Marine, 336-22-3306, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Donald W. Connelly, 212-26-5260, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Louis C. Wagner, 490-44-9852, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Arthur J. Junot, 438-32-8426, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. David K. Doyle, 578-40-4691, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Orlando E. Gonzales, 524-28-8901, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Joseph T. Palastra, Jr., 578-28-7763, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. John S. Blair, 340-22-8352, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. James H. Mapp, 256-42-5265, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Charles T. Lynn, Jr., 247-44-2777, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Hugh J. Clausen, 419-20-3944, U.S. Army.  
 Col. Howard F. Stone, 447-32-5655, Army of the United States (major, U.S. Army).  
 Col. Maxie O. Redic, Jr., 248-32-3845, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Thomas P. Lynch, 469-16-5323, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Ransom E. Barber, 215-38-9499, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Norman G. Delbridge, Jr., 383-24-5493, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Fred K. Mahaffey, 525-70-4649, Army of the United States (major, U.S. Army).  
 Col. Charles W. Dyke, 229-40-9184, Army of the United States (major, U.S. Army).  
 Col. John P. Casey, Jr., 400-54-1478, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Robert S. McGarry, 329-22-4463, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Robert W. Sennewald, 492-22-4165, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Drake Wilson, 447-26-3948, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. James J. Lindsay, 391-26-8187, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. William C. Moore, 412-42-4881, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Charles W. Bagnal, 247-44-8391, Army of the United States (major, U.S. Army).  
 Col. Charles E. Graves, 526-28-5434, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Richard S. Sweet, 039-16-2743, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Robert H. Foreman, 527-26-8742, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. James H. Patterson, 017-24-4474, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Paul F. Pearson, 443-26-4516, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. William K. Hunzeker, 186-20-7622, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Joseph H. Kastner, 355-22-6066, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Corey J. Wright, 505-28-4296, U.S. Army.  
 Col. Frank P. Ragano, 211-14-5427, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Emmett Paige, Jr., 267-32-1935, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Theodore S. Kanamine, 507-30-3458, Army of the United States (major, U.S. Army).  
 Col. Michael N. Bakarich, 526-30-8918, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Jeremiah J. Brophy, 057-22-8476, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Frank J. Palermo, Jr., 279-26-2745, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Dan H. Williamson, Jr., 260-60-3867, U.S. Army.  
 Col. Richard M. Wells, 579-52-8608, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. James S. Welch, 562-20-0173, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Benjamin E. Doty, 519-30-2651, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Archie S. Cannon, Jr., 227-30-1791, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. David W. Einsel, 271-26-7188, U.S. Army.  
 Col. Theodore G. Jenes, Jr., 533-24-4241, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Richard X. Larkin, 505-28-6229, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Tommie G. Smith, 330-26-4353, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Richard D. Boyle, 036-20-3100, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Allen M. Goodson, 265-34-0762, Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Vaughn O. Lang, 188-20-6157, Army

of the United States (lieutenant colonel, U.S. Army).

Col. Robert L. Herriford, Sr., 327-24-1260, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert B. Solomon, 216-28-7812, Army of the United States (lieutenant colonel, U.S. Army).

## IN THE COAST GUARD

The following graduates of the Coast Guard Academy to be permanent commissioned officers in the Coast Guard in the grade of ensign:

Geoffrey Lee Abbott  
 John Clark Acton III  
 Scot Alan Addis  
 Jerome James Amend  
 Glenn Wesley Anderson  
 Michael DuWayne Anderson  
 John Astley  
 Steven Keith Barker  
 David Richard Bean  
 David Wayne Beard  
 Lawrence Joseph Bowling  
 Jerrold Arthur Browne II  
 William Lawrence Bryant  
 Wayne Rydquest Buchanan  
 Jeffrey Scott Buehler  
 Glenn Craig Burkert  
 Richard Thomas Burton  
 James Edward Bussey III  
 Diosdado Tirol Cabrera  
 Raymond George Cardwell  
 John David Carpenter  
 William Thomas Carraher  
 John Edward Carroll  
 Philip Centonze  
 James Donald Chambers  
 Gary William Chappell  
 Raymond John Christian  
 Thomas Clay Christian  
 Patrick Edwin Clancy  
 Evan B. Clark  
 David Scott Cline  
 Thomas Joseph Coe  
 Matthew Scott Compton  
 Bruce Baldwin Connell  
 Brian Pierce Cost  
 Daniel Roland Cox  
 Carl Andrew Crampton  
 Michael John Cronin  
 Kenneth J. Guite  
 Scott Eugene Davis  
 Steven Morgan Day  
 James Wade Decker  
 Dennis Wayne Del Grosso  
 Stanford William Deno  
 William Fred Diaduk  
 Surran Drew Dilke  
 Paul Laurence Doherty  
 Gregory Jon Edge  
 Lon Norris Elledge  
 Jay Cranmer Ellis  
 Milton Hayden Ennis  
 James E. Evans  
 Eric Norman Fagerholm  
 Thomas Grant Falkenstein  
 Louis Marion Farrell  
 William Jay Fasel  
 David Eugene Ferg II  
 John Stanford Fetterolf III  
 Erik Jorg Fliske  
 Patrick Eugene Flanagan  
 Douglas Edward Fluddy  
 Albert David Franzone  
 Alan Richard Freedman  
 James Franklin Freeman III  
 Joel Dennis Fujiwara  
 Robert Ellige Garrett  
 Harold Burton Gastler  
 Glenn Edward Gately  
 Paul Richard Gauthier, Jr.  
 John Anthony Gentile  
 Steven Bruce Gerke  
 Dennis Charles Gibbons  
 Scott Joseph Glover  
 John Kevin Grady  
 Thomas Edward Graf  
 Anthony Grande